IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 982(S/S)07

1. Rishi Prasad Thapliyal S/o Sri B.R. Thapliyal,
   R/o village Tapovan, Post-Tapovan,
   District Chamoli,
2. Kishore Prasad Khanduri S/o Sri Banshidhar Khanduri,
   R/o village-Kuher, Post-Chamoli,
   District Chamoli. --------Petitioners.

Vs.

1. State of Uttarakhand through Secretary Education,
   Govt. of Uttarakhand, Dehradun,
2. Director of School Education,
   Mayur Vihar Sahashtradhara Road, Dehradun,
3. Addl. Director, State Council for Education,
   Research & Training (SCERT), Uttarakhand,
   Narendra Nagar, Tehri Garhwal,
4. Principal, District Institute of Education and Training
   (DIET), Gauchar, District Chamoli,
5. District Education Officer, Gopeshwar,
   District Chamoli. ------Respondents.

Sri Pankaj Porohit, learned counsel for the petitioners.
Sri Paresh Tripathi, learned Brief Holder for State of Uttarakhand/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Pankaj Purohit, learned counsel for the petitioners and Sri Paresh Tripathi, learned Brief Holder for State of Uttarakhand/respondents.

The petitioners have preferred the instant writ petition for the following reliefs:-

i. Issue a writ, order or direction in the nature of mandamus commanding the respondents to consider the N.S.S. certificates issued to the petitioners by the Hemwati Nandan Bahuguna Garhwal University, Srinagar (Garhwal) and to award them 02 quality point

marks for the same and further to select and issue call letters to them for the Special B.T.C. Training Course 2006-07 according to their merits;

ii. Issue any suitable writ, order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case,

iii. Award the costs to the petition in favour of the petitioners.

Stand of the petitioners is that they applied for Special B.T.C. Training Course for the year 2006-07, however they have not been declared successful. It is further contended that the petitioners have not been awarded quality point marks for their A Grade National Service Scheme Certificate (for brevity NSS Certificate). In support of their version, the petitioners have filed NSS certificate issued by the Hemwati Nandan Bahuguna Garhwal University, Sri Nagar.

Learned Standing Counsel was directed to seek instructions in this matter. Learned Standing Counsel has submitted that as per the instructions received, the petitioners are not having the qualifying two years' NSS Certificate, which is mandatory under the Govt. Order for awarding additional marks.

On the contrary, learned for the petitioners has submitted that the petitioners conducted the complete course for their NSS Certificate in B.A.-I and B.A.-II, as in the certificate issued by the University, it is specifically stated that the petitioners have rendered 240 hrs. service under National Service Scheme (Regular Activities) during the Session 1992-93 and have also attended the Special NSS Camp. Learned counsel

for the petitioners has drawn attention of the Court towards annexure no. 2 of supplementary affidavit indicating therein that the petitioner no.2 sought clarification from Coordinator/Principal Govt. P.G. College, Gopeshwar regarding the earlier certificate issued to him for NSS Training and in the clarification dated 3rd August 2007 it is stated by the Coordinator/ Principal of the Collage that the petitioner, as a regular scholar, is having NSS in B.A.-I and B.A.-II and he has regularly worked for 240 hrs. besides it he has attended ten days' special camp. The petitioner no. 1 has also filed the clarification certificate as Annexure no.2 to the writ petition. It is submitted that the clarification certificates amply demonstrate that the petitioners have completed the required eligibility for being provided quality point marks on having NSS Certificate.

In the forgoing circumstances, the petitioners are directed to approach to the Director of School Education, Govt. of Uttarakhand, Dehradun, by moving representation before him alongwith a certified copy of this order, within a period of one week from today and, in case, the petitioners comply with the order of this Court, the Director of Schools Education shall take decision on the representation of the petitioners within a period of one week from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

August 7, 2007:
NCM: